

DOCUMENT RESUME

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Federal Efforts To Notify Foreign Nations Regarding Pesticide Suspensions and Cancellations. July 11, 1978. 10 pp.

Testimony before the House Committee on Government Operations: Commerce, Consumer and Monetary Affairs Subcommittee; by Henry Eschwege, Director, Community and Economic Development Div.

Contact: Community and Economic Development Div.

Organization Concerned: Environmental Protection Agency;
Department of State.

Congressional Relevance: House Committee on Government Operations: Commerce, Consumer and Monetary Affairs Subcommittee.

Authority: Federal Insecticide, Fungicide, and Rodenticide Act of 1947, as amended.

The Federal Insecticide, Fungicide, and Rodenticide Act of 1947, as amended, requires the Environmental Protection Agency (EPA) to notify foreign governments and appropriate international agencies "whenever a registration or a cancellation or suspension of the registration of a pesticide becomes effective or ceases to be effective." The EPA prepares the notifications and the Department of State transmits them for forwarding to host-country officials. Improvements are needed in the agencies' joint implementation of the notification program in: identifying regulatory actions to be reported; improving procedures to ensure that data provided in notifications is complete, concise, and understandable; and ensuring that responsible foreign embassies and officials receive all notifications in a timely manner. Since 1972, regulatory action was taken by EPA on 14 pesticides, but EPA required the Department to notify foreign nations regarding only five of these. Also, foreign nations received very little information on the status of pesticides for which notifications were initiated. EPA should: review all pesticide suspensions and cancellations to identify those of national and international significance, compile information on these actions in concise publications for distribution to appropriate nations, and develop an appropriate system with the State Department for timely and efficient dissemination of data to foreign officials. (HTW)

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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

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STATEMENT OF
HENRY ESCHWEGE, DIRECTOR
COMMUNITY AND ECONOMIC DEVELOPMENT DIVISION

BEFORE THE
COMMERCE, CONSUMER, AND MONETARY AFFAIRS
SUBCOMMITTEE
HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

ON

FEDERAL EFFORTS TO NOTIFY FOREIGN
NATIONS REGARDING PESTICIDE SUSPENSIONS
AND CANCELLATIONS

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

WE APPEAR BEFORE YOU TODAY TO DISCUSS THE EFFECTIVENESS
OF FEDERAL EFFORTS TO NOTIFY FOREIGN NATIONS REGARDING U.S.
PESTICIDE SUSPENSION AND CANCELLATION ACTIONS. THIS MATTER
WAS ADDRESSED IN OUR APRIL 20, 1978, REPORT TO THE ADMINISTRA-
TOR, ENVIRONMENTAL PROTECTION AGENCY (EPA)(CED-78-103). THERE
IS CONSIDERABLE ROOM FOR IMPROVEMENT IN EPA'S AND THE DEPART-
MENT OF STATE'S JOINT IMPLEMENTATION OF THE PESTICIDE NOTIFI-
CATION PROGRAM IN

- IDENTIFYING REGULATORY ACTIONS TO BE REPORTED;
- IMPROVING PROCEDURES TO ENSURE THAT DATA PROVIDED
IN NOTIFICATIONS IS COMPLETE, CONCISE, AND UNDER-
STANDABLE; AND

--ENSURING THAT RESPONSIBLE FOREIGN EMBASSIES AND OFFICIALS RECEIVE ALL NOTIFICATIONS IN A TIMELY MANNER.

EPA REGULATES PESTICIDES UNDER THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT OF 1947, AS AMENDED. SECTION 17(B) OF THE ACT REQUIRES EPA TO NOTIFY FOREIGN GOVERNMENTS AND APPROPRIATE INTERNATIONAL AGENCIES "WHENEVER A REGISTRATION, OR A CANCELLATION OR SUSPENSION OF THE REGISTRATION OF A PESTICIDE BECOMES EFFECTIVE, OR CEASES TO BE EFFECTIVE." NOTIFICATION OF UNITED STATES SUSPENSION AND CANCELLATION ACTIONS ARE BENEFICIAL TO BOTH THE UNITED STATES AND FOREIGN NATIONS. THE LATTER BECAUSE THEY ARE ALERTED TO UNREASONABLE HAZARDS ASSOCIATED WITH USING PARTICULAR PESTICIDES AND CAN ACT TO LESSEN EXPOSURE OF THEIR WORKERS AND CITIZENS. THE U.S. BENEFITS WHEN A NATION RESTRICTS USING THESE PESTICIDES ON FOOD AND FIBER PRODUCTS IMPORTED INTO THE U.S.

EPA PREPARES PESTICIDE SUSPENSION AND CANCELLATION NOTIFICATIONS IN THE FORM OF AN AIRGRAM. THE AIRGRAMS PROVIDE BRIEF STATEMENTS OF THE REGULATORY ACTION AND REQUEST THAT CERTAIN DOCUMENTS--USUALLY FEDERAL REGISTER NOTICES--BE PROVIDED TO FOREIGN GOVERNMENTS. THE AIRGRAM AND ATTACHED MATERIAL ARE THEN FORWARDED TO THE DEPARTMENT

OF STATE WHICH, AFTER REVIEW AND APPROVAL, TRANSMITS THEM TO ITS DIPLOMATIC AND CONSULAR POSTS THROUGHOUT THE WORLD FOR FORWARDING TO APPROPRIATE HOST-COUNTRY OFFICIALS.

EPA OFTEN DOES NOT MAKE NOTIFICATIONS ON REGULATORY ACTIONS

IN OUR APRIL 1978 REPORT TO EPA, WE REPORTED THAT, SINCE THE ACT WAS AMENDED IN 1972 REQUIRING FOREIGN NATION NOTIFICATIONS, EPA HAS CANCELED, SUSPENDED, OR SIGNIFICANTLY RESTRICTED USING 14 PESTICIDES (OR PESTICIDE PRODUCT INGREDIENTS). EPA AND DEPARTMENT OF STATE RECORDS SHOW THAT EPA REQUESTED THE DEPARTMENT TO NOTIFY FOREIGN NATIONS REGARDING ONLY FIVE OF THE REGULATORY ACTIONS. THESE WERE ALDRIN/DIELDRIN, VINYL CHLORIDE, MIREX, LEPTOPHOS, AND BHC. IN EACH CASE, THE DEPARTMENT OF STATE NOTIFIED U.S. EMBASSIES; AGRICULTURAL AND SCIENTIFIC ATTACHES OR OTHER EMBASSY PERSONNEL WERE RESPONSIBLE FOR ASSURING THAT FOREIGN GOVERNMENT OFFICIALS RECEIVED NOTIFICATIONS.

DURING THE SAME PERIOD, HOWEVER, EPA DID NOT REQUEST FOREIGN NATION NOTIFICATIONS ON THE OTHER NINE REGULATORY ACTIONS INVOLVING QUARternary AMMONIUM COMPOUNDS (1973); CHLORDANE, HEPTACHLOR, KEPONE, OMPA, AND STROBANE (1976); AND ARAMITE, CHLORANIL AND SAFROLE (1977). SINCE OUR REPORT WAS ISSUED, EPA HAS MADE NOTIFICATIONS ON THREE

OF THESE PESTICIDES--HEPTACHLOR, CHLORDANE, AND KEPONE--
AND ONE OTHER--DBCP--WHICH EPA CANCELED DURING 1978.

EPA DID NOT CONSIDER IT NECESSARY TO REQUEST THE DEPARTMENT OF STATE TO NOTIFY FOREIGN NATIONS ABOUT THE NINE PESTICIDES. EPA'S CRITERIA FOR REPORTING SUSPENSION AND CANCELLATION ACTIONS LIMIT FOREIGN GOVERNMENT NOTIFICATIONS TO THOSE ACTIONS " * * * DETERMINED TO HAVE NATIONAL OR INTERNATIONAL SIGNIFICANCE." EPA OFFICIALS SAID THAT ONLY EPA INITIATED CANCELLATIONS AND SUSPENSIONS OF BASIC PESTICIDE ACTIVE INGREDIENTS REGISTERED FOR USE IN SEVERAL PRODUCTS ARE CONSIDERED ACTIONS OF NATIONAL OR INTERNATIONAL SIGNIFICANCE; ACTIONS ON INDIVIDUAL PESTICIDE PRODUCTS ARE NOT. EPA DECIDED THAT NOTIFICATIONS ON THESE PESTICIDES WERE NOT REQUIRED BECAUSE (1) THE ACTIONS WERE NOT FINAL, (2) REGISTRANTS VOLUNTARILY REQUESTED THE CANCELLATIONS OR (3) ALL PRODUCT USES WERE NOT CANCELED.

WE BELIEVE, HOWEVER, THAT ALL OF THESE REGULATORY ACTIONS HAVE BOTH NATIONAL AND INTERNATIONAL IMPLICATIONS, AND NOTIFICATIONS SHOULD HAVE BEEN MADE. FOR EXAMPLE, REGISTRATIONS OF CHLORDANE AND HEPTACHLOR WERE SUSPENDED, AND STROBANE WAS CANCELED FOR MOST USES BECAUSE OF THEIR SUSPECTED POTENTIAL FOR CAUSING TUMORS IN ANIMALS. CHLORDANE

AND HEPTACHLOR WERE TWO OF THE MOST WIDELY USED PESTICIDES IN THE WORLD. THE STROEANE ACTION CANCELED 34 INDIVIDUAL PRODUCT REGISTRATIONS.

EPA, OR ITS PREDECESSOR, ALSO CANCELED MAJOR USES OF 12 PESTICIDES SUCH AS DDT, MERCURY, PCB, AND 2,4,5-T PRIOR TO THE ACT'S 1972 AMENDMENT. ALTHOUGH THE 1972 AMENDMENT DID NOT REQUIRE FOREIGN NATION NOTIFICATIONS OF THESE PRIOR CANCELLATIONS, EPA REQUESTED NOTIFICATIONS ON SIX OF THE TWELVE. EPA SHOULD HAVE REQUESTED NOTIFICATIONS ON THE OTHER SIX PESTICIDES AS THEY WERE OF EQUAL INTEREST TO OTHER NATIONS AS THOSE THAT WERE REPORTED.

EPA HAS NOT CONSISTENTLY APPLIED ITS CRITERIA FOR FOREIGN NATION NOTIFICATIONS. FOR EXAMPLE, EPA NOTIFIED NATIONS OF ITS ACTION ON 2,4,5-T ALTHOUGH SIGNIFICANT USES--USES ON RANGE LAND, FORESTS, AND TRANSPORTATION RIGHTS OF WAY--WERE RETAINED. FURTHER, EPA NOTIFIED FOREIGN NATIONS ON ITS REVOCATION OF LEPTOPHOS TOLERANCES--THE MAXIMUM RESIDUE THAT CAN REMAIN ON FOOD--EVEN THOUGH THERE WERE NO PESTICIDE REGISTRATIONS SUSPENDED OR CANCELED BECAUSE LEPTOPHOS WAS NEVER REGISTERED FOR USE IN THE U.S. REGARDING THE LATTER, EPA SAID THAT ALTHOUGH NOTIFICATION OF TOLERANCE REVOCATIONS IS NOT COVERED BY THE ACT, IT FELT THIS ACTION

WAS WITHIN THE SPIRIT OF THE ACT AND THAT THERE WAS SUFFICIENT WORLDWIDE INTEREST TO WARRANT NOTICE. WE BELIEVE, EPA'S RATIONALE IN THE LEPTOPHOS NOTIFICATION SHOULD BE EXTENDED TO ALL SIGNIFICANT PESTICIDE REGULATORY ACTIONS.

A FURTHER LIMITATION IN THE PROGRAM IS THAT EPA CANNOT READILY DETERMINE THE INTERNATIONAL SIGNIFICANCE OF PESTICIDE REGULATORY ACTIONS. ACTIONS ON RELATIVELY MINOR PESTICIDE USES IN THE U.S. MAY BE SIGNIFICANT USES IN ONE OR MORE FOREIGN NATIONS BECAUSE OF DIFFERENCES IN CLIMATE, CROPS, AND PESTS. ACCURATE, UP TO DATE, WORLDWIDE PESTICIDE USAGE DATA IS NOT GENERALLY AVAILABLE. THIS LACK OF INFORMATION AND THE INHERENT PROBLEMS IN PREDICTING CHANGES IN SIGNIFICANT WORLDWIDE PESTICIDE USAGE PATTERNS UNDERSCORES THE VERY REAL NEED TO NOTIFY FOREIGN NATIONS OF VIRTUALLY ALL PESTICIDE SUSPENSION AND CANCELLATION ACTIONS.

NATIONS NOT RECEIVING NOTIFICATION

AT THE TIME OUR WORK WAS PERFORMED OVERSEAS, EPA HAD INITIATED THREE NOTIFICATIONS COVERING 11 PESTICIDES. OFFICIALS OF 20 FOREIGN NATIONS TOLD US THAT GENERALLY THEIR COUNTRIES HAD RECEIVED VERY LITTLE, IF ANY, INFORMATION THROUGH OFFICIAL CHANNELS REGARDING THE U.S. REGULATORY STATUS OF PESTICIDES. OF THE 20 FOREIGN NATIONS, ONLY WEST GERMANY AND SRI LANKA ACKNOWLEDGED RECEIVING ALL THREE NOTIFICATIONS; FIVE OTHERS ACKNOWLEDGED RECEIVING ONE OR TWO

NOTICES; EIGHT SAID NO NOTIFICATIONS WERE RECEIVED; AND THE REMAINING FIVE DID NOT COMMENT ON THIS MATTER.

THE STATISTICS ON NOTIFICATIONS RECEIVED BY FOREIGN NATIONS MAY NOT BE ENTIRELY ACCURATE BECAUSE OFFICIALS MAY NOT RECALL NOTIFICATIONS THAT WERE RECEIVED OR OFFICIALS WHO WERE NOTIFIED MAY HAVE MOVED ON TO OTHER ASSIGNMENTS. THE LACK OF FOREIGN NATION NOTIFICATIONS STEMMED, IN PART, FROM SOME EMBASSIES NOT RECEIVING THE NOTIFICATIONS. FOR EXAMPLE, THE AMERICAN EMBASSY IN COSTA RICA TOLD US THAT IT HAD RECEIVED NO NOTIFICATIONS; FOUR OTHER EMBASSY OFFICIALS STATED THAT THEY HAD RECEIVED ONLY ONE OF THE THREE NOTIFICATIONS. A FURTHER COMPLICATION IS THAT FORWARDING PESTICIDE NOTIFICATIONS MAY CONFLICT WITH OTHER DUTIES OF SOME EMBASSY OFFICIALS. FOR EXAMPLE, AN OFFICIAL AT ONE EMBASSY TOLD US THAT HE DID NOT ROUTINELY FORWARD NOTIFICATIONS ON CHEMICALS NOT REGISTERED IN THE HOST COUNTRY BECAUSE IT MAY ADVERSFLY AFFECT U.S. EXPORTING.

FOREIGN OFFICIALS IN 14 COUNTRIES EXPRESSLY TOLD US THAT THEY WANTED TO RECEIVE TIMELY NOTIFICATIONS ON U.S. PESTICIDE REGULATORY ACTIONS; NONE SAID THAT THEY DID NOT WANT NOTIFICATIONS. REPRESENTATIVES FROM LESS DEVELOPED NATIONS WERE

PARTICULARLY ANXIOUS TO RECEIVE SUCH TIMELY DATA BECAUSE THEY DID NOT HAVE FUNDS OR THE EXPERTISE TO PERFORM THE TYPES OF HAZARD EVALUATIONS BEING DONE BY EPA. THEY RELY HEAVILY ON U.S. REGISTRATION AS A GUIDE FOR ALLOWING USE IN THEIR COUNTRY. FOR EXAMPLE, ONE OFFICIAL WROTE TO US THAT LEPTOPHOS (PHOSVEL) WAS STILL BEING IMPORTED AND USED IN SURINAM BECAUSE HE HAD RECEIVED NO INFORMATION ON ADVERSE HEALTH OR ENVIRONMENTAL EFFECTS AS A RESULT OF ITS USE. THE OFFICIAL REQUESTED INFORMATION ON LEPTOPHOS AND ASKED TO RECEIVE NOTIFICATIONS ON ALL FUTURE ACTIONS. HAD SURINAM RECEIVED EPA'S MARCH 3, 1977, NOTIFICATION ON THE REVOCATION OF LEPTOPHOS TOLERANCES IT WOULD HAVE BEEN AWARE OF THE NERVE DAMAGE ASSOCIATED WITH LEPTOPHOS USE 14 MONTHS BEFORE IT REQUESTED THIS INFORMATION FROM GAO.

IN CASES WHERE FOREIGN OFFICIALS DID RECEIVE NOTIFICATIONS, SOME COMMENTED THAT THE FEDERAL REGISTER NOTICES PROVIDED WERE UNCLEAR AND HARD TO UNDERSTAND, EFFECTIVE DATES OF REGULATORY ACTIONS COULD NOT BE ASCERTAINED, AND SOME COPIES OF NOTICES THAT WERE RECEIVED WERE ILLEGIBLE. WE PROVIDED SEVERAL FOREIGN OFFICIALS WITH COPIES OF THE EPA BOOKLET "SUSPENDED AND CANCELLED PESTICIDES," WHICH SUMMARIZES EPA ACTIONS ON PESTICIDE SUSPENSIONS, CANCELLATIONS, AND OTHER RESTRICTIONS. MANY OF THE OFFICIALS

BELIEVED THAT THE TYPE OF INFORMATION IN THE BOOKLET ALERTED THEM SUFFICIENTLY TO INITIATE ACTIONS OR TO REQUEST ADDITIONAL DATA FROM WHICH TO JUDGE WHETHER USE OF THE PESTICIDE SHOULD BE CURTAILED OR DISCONTINUED.

CONCLUSIONS AND RECOMMENDATIONS

FOREIGN NATIONS WANT TO RECEIVE TIMELY AND CONCISE NOTIFICATIONS ON U.S. ACTIONS TO AID THEM IN THEIR REGULATORY FUNCTIONS. IT IS APPARENT, HOWEVER, THAT FOREIGN NATIONS ARE NOT RECEIVING ALL EPA NOTIFICATIONS AND THAT WHEN NOTIFICATIONS ARE RECEIVED, THEY MAY BE ILLEGIBLE OR UNCLEAR IN MEANING.

EPA AND STATE COULD IMPROVE THEIR JOINT IMPLEMENTATION OF THE PESTICIDE LAW'S NOTIFICATION PROVISION. IN OUR REPORT, WE RECOMMENDED THAT EPA:

- REVIEW ALL PESTICIDE SUSPENSIONS AND CANCELLATIONS--
BOTH AGENCY- AND REGISTRANT-INITIATED--TO IDENTIFY
THOSE OF "NATIONAL AND INTERNATIONAL" SIGNIFICANCE.
- COMPILE INFORMATION ON THESE ACTIONS IN CONCISE
PUBLICATIONS FOR DISTRIBUTION TO APPROPRIATE FOREIGN
NATIONS. PUBLICATIONS SHOULD INCLUDE EFFECTIVE DATES
AND SYNOPSES OF THE REGULATORY ACTIONS IN LANGUAGE
THAT CAN BE UNDERSTOOD BY OFFICIALS WHOSE PRIMARY
LANGUAGE MAY NOT BE ENGLISH.

--DEVELOP AN APPROPRIATE SYSTEM WITH THE STATE
DEPARTMENT FOR TIMELY AND EFFICIENT DISSEMINATION
OF THIS AND SIMILAR DATA TO FOREIGN OFFICIALS.
A MOST EFFECTIVE WAY WOULD BE TO HAVE EPA PROVIDE
DIRECT NOTIFICATIONS TO APPROPRIATE FOREIGN
OFFICIALS, CONCURRENT WITH NOTIFICATION TO THE
DEPARTMENT OF STATE.

MR. CHAIRMAN, THIS CONCLUDES MY PREPARED STATEMENT.
WE SHALL BE GLAD TO RESPOND TO YOUR QUESTIONS.